HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 27253 OF 2006

DATE: 16.04.2007

BETWEEN

1. Sunkavalli Bhaskara Rao, S/o Gangadhara Rao, West Godavari District and 29 others

....Petitioners

AND

1. The Superintending Engineer, Tadipothala Lift Irrigation, Department of Irrigation, Eluru,Wet Godavari District and three others.

.... Respondents

HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION NO. 27253 OF 2006

ORAL ORDER:

Petitioners are owners of various extents of land in the Yerrampet Villege, Koyyalagudem Mandal, West Godavari District. They stated that the lands are being irrigated through bore wells and that they are depending upon the lands for their livelihood. The grievance of the petitioners is that the respondents are trying to enter into the lands to take measurements, for the purpose of acquiring them to lay a irrigation canal. They stated that though a detailed representation is made by them pointing out their grievances, the respondents are persisting on their activity to dig the proposed irrigation canal through their land.

On behalf of the respondents a counter affidavit is filed. It is stated that the survey in the area is being undertaken for digging the irrigation canal for Tadipudi Lift Irrigation scheme. Respondents contend that several alternatives have been considered and ultimately alignment of the canal has been fixed. It is stated that if the petitioners have still any grievance, it would consider at a later stage.

Heard the learned counsel appearing for the petitioner and also the learned Government Pleader for Irrigation.

The stage at present is that the respondents are surveying the land and taking measurements. It is always open for the authorities of the Government to survey the lands before initiating any proceedings under the Land Acquisition Act. The petitioners can be said to have any grievance if only any notification under Section 4(1) and thereafter under section 6 of the Act are issued proposing to acquire their lands. During the course of enquiry

under Section 5-A, their grievance may be pointed out. Even assuming that the grievances are not redressed at that stage, the petitioners can canvas their remedies at a subsequent stage also. This court cannot prevent the authorities from surveying the lands for the purpose of acquisition. However, before taking a final decision for acquisition of the lands for the purpose referred to above, the respondents shall consider the same keeping in view the representation made by the petitioner.

Writ Petition is disposed of leaving it open to the respondents to survey the land and take necessary steps in accordance with law and the respondents shall take into account the representation made by the petitioner before any final decision is taken for acquiring the lands.

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L. NARASIMHA REDDY, J

Date: 16.04.2007
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